

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MMC ENERGY, INC.,

Plaintiff,

-against-

KARL W. MILLER,

Defendant.

08 Civ. No. 4353 (DAB)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the Declaration of Thomas J. Hall executed July 23, 2008, the exhibits thereto, the accompanying memorandum of law, and upon all the prior pleadings and proceedings had herein, defendant Karl W. Miller ("Miller") will move this Court before the Honorable Deborah A. Batts, U.S.D.J., at the United States Courthouse located at 500 Pearl Street, New York, New York, for an order pursuant to 12(b)(6), 9(b) and 12(b)(1) of the Federal Rules of Civil Procedure granting Miller's motion to dismiss the Complaint in this action.

Dated: New York, New York
July 23, 2008

CHADBOURNE & PARKE LLP

By /s/ Thomas J. Hall
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